

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14370, of the U.S. Department of Housing and Urban Development, pursuant to Sub-section 8207.2 for special exceptions under Paragraph 3105.42 and Sub-section 3307.2 to permit a subdivision and new residential developments comprising 31 buildings consisting of groups of dwellings and allowing this group of dwellings with common division walls from the ground up to be deemed as a single building in an R-5-A District at premises Fort Lincoln New Town (South Dakota Avenue), For Lincoln Drive and 31st - 33rd Places, N.E., (Square 4325, Lots 38, 39 and 40).

HEARING DATE: January 22, 1986
DECISION DATE: January 22, 1986 (Bench Decision)

FINDINGS OF FACT:

1. The subject site, known as Fort Lincoln New Town comprises approximately 22 acres. It is bounded by Fort Lincoln Drive to the east, 31st Place to the north and 33rd Place to the south and South Dakota Avenue to the west.

2. The subject site is part of the 360 acre Fort Lincoln Urban Renewal Area that was designated in the early 1970's to contain a New Town-in-Town with a variety of housing, commercial development and other supporting facilities. The actual development in Fort Lincoln has been substantially delayed in recent years for various reasons. Consequently, Fort Lincoln is largely undeveloped at this time. Only 1,104 residential units had been completed by the end of 1984, all subsidized, 670 of which are for the elderly and handicapped, in three buildings. The remaining 434 completed and occupied units are condominium townhouse units. Also completed are the Fort Lincoln Elementary School and a 26 acre park within which the Ward Five Recreation Center is under construction.

3. Over the years, the market for non-residential space has been slow to materialize and also the demand for market rate housing has not been as strong as anticipated. Accordingly, the Department of Housing and Community Development recently requested some urban renewal area plan modifications and related zoning map changes. These plan modifications and zoning map changes were approved in 1985 including a map change from R-5-C to R-5-A for the property now in question before the Board in the present application.

4. Pursuant to Sub-section 8207.2 of the Zoning Regulations, the applicant proposes to build 170 single-family row dwellings on the subject site. Paragraph 3105.42 permits the construction of new row dwelling developments in the R-5-A District provided that the following standards are met.

- a. The Board shall refer the application to the D.C. Board of Education for comment and recommendation as to the adequacy of existing and planned area schools to accommodate the numbers of students that can be expected to reside in the project;
- b. The Board shall refer the application to the District of Columbia Department of Transportation and the District of Columbia Department of Housing and Community Development for comment and recommendation as to the adequacy of public streets, recreation and other services to accommodate the residents of the project and the relationship of the proposed project to public plans and projects;
- c. The Board shall refer the application to the District of Columbia Office of Planning and Development for comment and recommendation on the site plan, arrangement of buildings and structures, provisions of light, air, parking, recreation, landscaping and grading as they relate to the future residents of the project and the surrounding neighborhood; and
- d. In addition to other filing requirements, the developer shall submit to the Board with the application, four site plans and two sets of typical floor plans and elevations, grading plans (existing and final), landscaping plans, and plans for all new rights-of-way and easements.

5. The proposed housing project is being sponsored by the Department of Housing and Community Development in accordance with the urban renewal area plan. The fee-simple townhouse type development has been selected to respond to the prevailing preferences and market demands for the area. Four basic housing types, all with garages, will be constructed to provide flexibility in living space.

6. The site plan provides 170 fee simple townhouse units, each designed to house one family. The homes will average 1500 square feet. They will be orientated to take advantage of passive solar energy.

7. Each house will have its own two car garage, plus two parking spaces on an apron in front of the garage. Additional visitor parking is provided on-site.

8. Each homeowner will have fee simple title to his home, including the apron in front and a rear yard that will be about 20 feet deep. The remainder of the area will be the property of the Home Owners Association, which by covenant will have maintenance responsibility.

9. Primary access to the interior of the site would be provided through a road leading from 31st Place to Fort Lincoln Drive. The various rows of the proposed townhouses would be accessible directly from this main roadway and also from the driveways branching out from the main road.

10. The proposed 170 unit development would be clustered into 31 buildings containing three to six units each. On a site with pronounced topography these houses are designed to take advantage of the considerable difference in grade across the site. Thus, each townhouse includes a garage within it, as well as direct access to the ground.

11. In addition to the enclosed garages in each proposed townhouse there are a number of surface parking areas providing an additional thirty-five spaces. Parking will also be provided on the new street that is to be built to serve the development.

12. The proposed development will conform to the lot occupancy, floor area ratio and parking requirements of the Zoning Regulations. No variances are required.

13. By memoranda dated March 26, 1985 and January 9, 1986, the Superintendent of District of Columbia Public Schools reported that the Board of Education was in support of the continued development of Fort Lincoln and noted that the existing elementary school is capable of accommodating many more students. The Superintendent further reported that the original plans for Fort Lincoln provided for as many as 4,200-5,000 dwelling units to be served by one secondary and three elementary schools, a ratio of approximately one elementary school per 1500 dwelling units. The one open space elementary school constructed has a capacity of 752.

14. Of the more than 4,200 planned residential units, 1100 have been constructed including over 600 units for the elderly. If the generalization can be made that roughly 500 housing units have produced 233 students for the current school year (number in grades pre-k through eight residing within Fort Lincoln enrollment boundary), the 170 units proposed by the developer would produce an additional 80 students. The 500 units described by the Department of Housing and Community Development as planned over the next

two years would generate 233 students. Young families seeking affordable housing may promote an even greater increase. The numbers are speculative, but a system-wide trend toward stable enrollment and the right economic conditions could cause Fort Lincoln Elementary School to approach capacity given the construction of more housings, younger families and sufficient housing turnover. If many more residences are eventually constructed that are attractive to young families, the one elementary school/1500 housing units ratio will be exceeded and crowding at the school may become a distinct possibility. Therefore, the Superintendent asked to be kept apprised of the actual number of units to be constructed.

15. As required under the Zoning Regulations the application was referred to the Department of Public Works (DPW). It submitted no written recommendation on the subject application.

16. By memorandum dated September 16, 1985, and November 18, 1985. The Department of Housing and Community Development reported its support of the subject application. The proposal has been on the "drawing board" for some time. It is much needed in the revitalization of the community.

17. By memorandum dated January 15, 1986, the Office of Planning (OP) recommended approval of the subject application. The OP reported that an addition to the existing housing stock in the District of Columbia in this area would be very desirable and that the subject development is being sponsored by the Department of Housing and Community Development to carry out the Fort Lincoln development in accordance with the urban renewal area plan. The proposed housing is designed in response to the existing market in the area. The OP testified that although DPW filed no report on the subject application, it reported to the OP that it did not oppose the proposal and that the roadway layout of the project was arrived at in coordination with the DPW. The Board concurs with the recommendation of the OP.

18. By letter dated January 17, 1986, Advisory Neighborhood Commission 5A filed a report in support of the application. The Board for cause shown permitted the untimely report to be filed in the record. The Board further notes that no basis for the support was reported. The Board finds that it cannot give "great weight" to the recommendation of any ANC where the report does not identify of the issues and concerns.

19. There was no opposition to the subject application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the record the Board concludes that the applicant is seeking a special exception the granting of which requires that the proposal meet the requirements of Paragraph 3105.42 and that the relief requested can be granted under Sub-section 8207.2 as in harmony with the general purpose and intent of the Zoning Regulations and the relief will not tend to affect adversely the use of neighboring property.

The Board concludes that the applicant has met its burden of proof as demonstrated in the above findings of facts.

Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the CONDITION that construction shall be in accordance with the revised plans marked as Exhibit Nos. 9 and 11 of the record.

VOTE: 4-0 (William F. McIntosh, Lindsley Williams, Charles R. Norris and Paula Jewell to grant; Carrie L. Thornhill not voting, having recused herself).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER:

23 MAY 1986

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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